

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:20-cv-63-MOC**

ROBERTA LYNN NICHOLS,

Plaintiff,

v.

**KILOLO KIJAKAZI,
Acting Commissioner of
Social Security,**

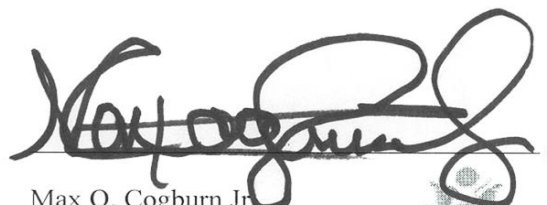
Defendant.

ORDER

THIS MATTER is before the Court on Plaintiff's Motion for Attorney's Fees. (Doc. No. 17). Plaintiff's counsel filed a motion for approval of attorney fees under section 206(b) of the Social Security Act, 42 U.S.C. § 406(b), in the amount of \$14,883.94. Attorney fees awarded under 42 U.S.C. § 406(b) may not exceed 25% of the total of the claimant's past-due benefits. Plaintiff previously has been awarded attorney fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, in the amount of \$2,500. Defendant has consented to the motion. The Court finds that the requested amount is reasonable. Plaintiff's motion is **GRANTED**.

It is **ORDERED** that Paul T. McChesney, Esquire be awarded fees under 42 U.S.C. § 406(b) in the amount of \$14,883.94. Plaintiff's counsel shall refund to Plaintiff the smaller amount between this amount and any fee amount that previously was received under the EAJA.

Signed: October 6, 2023


Max O. Cogburn Jr.
United States District Judge